

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

5 Applicant(s): Ca et al.
Case: 3-2
Serial No.: 09/876,568
Filing Date: June 7, 2001
Group: 2134
10 Examiner: Piotr Poltorak

Title: Method and Apparatus for Protecting a Device Connected to a Network

15

REPLY BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
20 P.O. Box 1450
Alexandria, VA 22313-1450

25 Sir:

Appellants hereby reply to the Examiner's Answer, mailed November 13, 2006 (referred to hereinafter as "the Examiner's Answer"), in an Appeal of the final rejection of claims 1-32 in the above-identified patent application.

30

REAL PARTY IN INTEREST

A statement identifying the real party in interest is contained in Appellants' Appeal Brief.

RELATED APPEALS AND INTERFERENCES

35 A statement identifying related appeals is contained in Appellants' Appeal Brief.

STATUS OF CLAIMS

A statement identifying the status of the claims is contained in Appellants' Appeal Brief.

STATUS OF AMENDMENTS

A statement identifying the status of the amendments is contained in Appellants' Appeal Brief.

SUMMARY OF CLAIMED SUBJECT MATTER

A Summary of the Invention is contained in Appellants' Appeal Brief.

STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A statement identifying the grounds of rejection to be reviewed on appeal is contained in Appellants' Appeal Brief

CLAIMS APPEALED

A copy of the appealed claims is contained in an Appendix of Appellants' Appeal Brief.

ARGUMENT

In the Response to Arguments section of the Examiner's Answer (pages 9-10), the Examiner notes that the phrase "indication of theft" is not present in the independent claims.

Appellants note, however, that the present claims are not only directed to detecting the disconnect of a network connection, but are also directed to detecting the ***"removal of a device,"*** as recited in the independent claims. In the context of the present invention, the detection of the removal of a device is indicative of a theft of the device. The Examiner's definition of an alarm (cited from the Computer Dictionary) may be appropriate for use in the context of the invention disclosed by Thurott (since Thurott is directed to alerting a "user when the machine is disconnected from the network"), but is not appropriate in the context of the present invention. (See, Network Disconnect Cue section.) As previously noted, however, a visual cue, as taught by Thurott, that alerts ***a user*** of a machine is unlikely to be effective as an alarm to *alert one or more individuals to a theft*, as would be apparent to a person of ordinary skill in the art. As noted above, the present invention is directed to theft protection, and is thus ***not directed to providing an alarm to the person in possession of the device***, but is directed to provide an alarm to, for example, other persons. Thus, an appropriate definition of an alarm in

the context of the present invention is “an automatic device that serves *to call attention, to rouse from sleep, or to warn of fire, smoke, an intruder, etc.*” (See, dictionary.com) Thus, a person of ordinary skill in the art would not interpret the visual cue disclosed by Thurrott as an **“alarm for indicating removal of a device.”**

5 In the Response to Arguments section of the Examiner’s Answer (pages 10-11), the Examiner notes that, “reading Cromer’s citation the remote computer system or server 34 as well as software application should be considered as matching the term ‘the device’ used in the claim language and the term should be considered distinct from ‘a client’ recited by Cromer.”

Appellants note that both the Cromer patent and present disclosure are directed to,
 10 for example, the theft of computers. Cromer teaches many details about microcomputer system 10 (see, col. 3, line 32, to col. 6, line 46), and teaches that remote computer system 34 has components and attributes like those illustrated and described with regard to FIG. 3 (col. 6, line 64, to col. 7, line 10). Cromer teaches that “the system 10 has a power supply 17” (col. 3, line 53). A power supply is known in the art to require an external power source, as would be
 15 apparent to a person of ordinary skill in the art. Cromer, in fact, teaches that “the LAN adapter 94 is powered by auxiliary voltage (e.g., AUX 5) which is present ***so long as the system 10 is connected to AC power.***” (Col. 7, lines 64-66; emphasis added) *Cromer does not disclose or suggest that remote computer system or server 34 will continue to operate after it is removed and does not disclose or suggest that the invention will generate an alarm if the remote computer*
 20 *system or server 34 is removed.*

First, disconnecting the remote system or server from the network is **not** equivalent to *removing the remote computer system or server*, and thus the Examiner’s suggestion that the remote computer system or server will generate a signal after being removed is pure speculation. A person of ordinary skill in the art would understand that a remote
 25 computer system or server that has been removed is typically **not** capable of generating a signal, as removing a remote computer system or server typically also removes power from the device. This is especially true since Cromer teaches that, “if the software application does not get a response back after a *predetermined number of tries*, it indicates to the LAN administrator through a message that the client at this location is now not attached to the LAN.” (Col 7, lines
 30 44-49.) In this case, Cromer teaches that there is a delay between the removal of a device and the indication to the LAN administrator.

In addition, Appellants note that the definition of an “alarm” utilized by the Examiner is “a signal, *by display or audio device*.” Cromer teaches that remote computer system or server 34 generates a message for the LAN administrator that the client at this location is now not attached to the LAN. (Col.7, lines 44-49) A message is not an alarm until, according to the
 5 Examiner’s definition, it is displayed or audible. Thus, even if the remote computer system or server 34 generated a message, it is not clear that an alarm would be generated. The LAN administrator may, for example, be at a console that is no longer connected to remote computer system or server 34, and that therefore is no longer capable of receiving messages. (If the LAN administrator is using the remote computer system or server 34, it is unlikely to be stolen, as
 10 would be apparent to a person of ordinary skill in the art.)

Finally, the signal generated by the remote computer system or server cannot be considered an “alarm;” *at best, it is a signal to generate an alarm*. As noted above, an alarm is defined as “an automatic device that serves to call attention, to rouse from sleep, or to warn of fire, smoke, an intruder, etc ” Appellants maintain that the signal cited by the Examiner is *not*
 15 an “alarm,” as defined in the context of the present invention.

Thus, Thurrott and Cromer et al., alone or in combination, do not disclose or suggest generating an alarm in said removed device if said network connection is disconnected, as required by independent claims 1, 22, 31, and 32, do not disclose or suggest generating an alarm in said removed device if said response is not received within a predefined time interval,
 20 as required by independent claim 12, and do not disclose or suggest generating an alarm in said removed device if said signal is no longer received and a theft detection mode is enabled, as required by independent claim 17.

In the Response to Arguments section of the Examiner’s Answer (page 15), the Examiner appears to equate “a predefined time interval” with not getting a response back “after a
 25 predetermined number of retries ” Appellants note, however, that Cromer does *not* disclose or suggest that the retries are conducted either periodically or within a predefined time interval and that, therefore, a person of ordinary skill in the art would not equate “a predefined time interval” with “a predetermined number of retries.”

In the Response to Arguments section of the Examiner’s Answer (pages 16-17),
 30 the Examiner asserts that preventing reduction of a volume below a predefined minimum level would have been obvious to one of ordinary skill in the art at the time of the invention given the

fact that reducing the volume could defeat the purpose of the audio alarm implementation.

Appellants maintain that the reduction of a volume below a predefined minimum level is not obvious and that the prior art actually teaches away from the present invention by teaching to lower power consumption (i.e., lower the volume of audible devices, etc.) when a portable device is removed, for example, from an external power source, as would be apparent to a person of ordinary skill in the art.

In addition, contrary to the Examiner's assertion, preventing *silencing* is *not* equivalent to preventing the reduction of a volume *below a predefined minimum level*, and the cited prior art does not disclose or suggest a predefined minimum level. The fact that Sander, given the alleged special precautions cited by the Examiner, does not disclose or suggest preventing a volume of an audio output of the device from being reduced below a predefined minimum level is also evidence that the cited feature would *not* be obvious to one of ordinary skill in the art at the time of the invention.

Thus, Thurott, Cromer et al., Sanders et al., Lam, Minasi, Pearce et al., and Sobell, alone or in any combination, do not disclose or suggest preventing a volume of an audio output of the device from being reduced below a predefined minimum level, as required by claims 2, 13, 18, and 23.

In the Response to Arguments section of the Examiner's Answer (page 18-20), the Examiner asserts that "extending Cromer's invention with preventing the device from being turned off would have been obvious to one of ordinary skill in the art at the time of applicant's invention." Regarding Sanders, the Examiner asserts that "not only does the alarm system device (Fig. 2-3, object 1010) have no output allowing the device to be turned off, but Sanders also explicitly discloses an internal battery power that prevents turning off the device by removal of a power cord (col. 11 lines 49-55)."

First, Appellants note that the prior art actually teaches away from the present invention by teaching to lower power consumption (i.e., turn off a device, or enter a stand-by state) when a portable device is removed, for example, from an external power source, as would be apparent to a person of ordinary skill in the art. Second, in the text cited by the Examiner, Sanders teaches that the

theft detection and alarm system 1010 is also provided with power

cord 184 having male plug 185 which is adapted to be plugged into a conventional power receptacle. Power cord (cable) 184 allows connection of theft detection and alarm system 1010 to an external source of AC or DC power. Theft detection and alarm system 1010 comprises power supply circuitry (not shown) which generates the voltages needed for the operation thereof. In a preferred embodiment, a rechargeable battery (not shown) is placed within theft detection and alarm system 1010. If power cord 184 is disconnected, the internal battery powers the components of theft detection and alarm system 101. Thus, the removal of power cord 184 does not disable theft detection and alarm system 1010.

(Col. 11, lines 46-55.)

Contrary to the Examiner's assertion, Sanders does **not** disclose or suggest *the step of preventing said device from being turned off*. As would be apparent to a person of ordinary skill in the art, a thief may attempt to turn off the device to disable the alarm

Finally, Appellants could find **no** disclosure or suggestion in either Cromer or Minasi to combine the invention disclosed by Cromer and the user rights methods disclosed by Minasi.

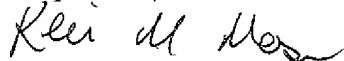
Thus, Thurott, Cromer et al., Sanders et al., Lam, Minasi, Pearce, and Sobell, alone or in any combination, do not disclose or suggest preventing said device from being turned off, as required by claims 3, 14, 19, and 24.

Conclusion

The rejections of the cited claims under sections 102 and 103 in view of Thurott, Cromer et al., Sanders et al., Lam, Minasi, Pearce, and Sobell, alone or in any combination, are therefore believed to be improper and should be withdrawn. The remaining rejected dependent claims are believed allowable for at least the reasons identified above with respect to the independent claims.

The attention of the Examiner and the Appeal Board to this matter is appreciated.

Respectfully,



Kevin M. Mason
Attorney for Applicant(s)
Reg. No. 36,597
Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06824
(203) 255-6560

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APPENDIX

1. A method for detecting removal of a device connected to a network by a network connection, comprising:
 - 5 monitoring said network connection; and
 - generating an alarm in said removed device if said network connection is disconnected.
2. The method of claim 1, further comprising the step of preventing a volume of an
10 audio output of said device from being reduced below a predefined minimum level.
3. The method of claim 1, further comprising the step of preventing said device from being turned off.
- 15 4. The method of claim 1, wherein said monitoring step is automatically activated in a passive manner.
5. The method of claim 1, wherein said monitoring step is manually activated by a user
20
6. The method of claim 1, wherein said generating step can be prevented by entering a password.
7. The method of claim 1, wherein said monitoring step further comprises the step of
25 sending a message to a remote device and awaiting a response.
8. The method of claim 1, wherein said monitoring step further comprises the step of receiving a message from a remote device.
- 30 9. The method of claim 1, wherein said monitoring step further comprises the step of receiving a signal from a remote device

10 The method of claim 1, wherein said monitoring step further comprises the step of polling one or more local network ports on said device.

11 The method of claim 1, wherein said generating step is performed only if said
5 network connection is disconnected by an unauthorized user.

12 A method for detecting removal of a device connected to a network by a network connection, comprising:

 sending a message to a second device connected to said network that will initiate
10 a response; and

 generating an alarm in said removed device if said response is not received within a predefined time interval.

13 The method of claim 12, further comprising the step of preventing a volume of an
15 audio output of said device from being reduced below a predefined minimum level

14 The method of claim 12, further comprising the step of preventing said device from being turned off.

15 The method of claim 12, wherein said generating step can be prevented by
20 entering a password.

16 The method of claim 12, wherein said generating step is performed only if said
network connection is disconnected by an unauthorized user.

17 A method for detecting removal of a device connected to a network by a network connection, comprising:

 monitoring a signal received on said network connection from a remote device over said network connection; and

 generating an alarm in said removed device if said signal is no longer received.

18. The method of claim 17, further comprising the step of preventing a volume of an audio output of said device from being reduced below a predefined minimum level

19. The method of claim 17, further comprising the step of preventing said device
5 from being turned off.

20. The method of claim 17, wherein said generating step can be prevented by entering a password.

10 21. The method of claim 17, wherein said generating step is performed only if said network connection is disconnected by an unauthorized user.

22. A system for detecting removal of a device connected to a network by a network connection, comprising:

15 a memory that stores computer-readable code; and
a processor operatively coupled to said memory, said processor configured to implement said computer-readable code, said computer-readable code configured to:
monitor said network connection; and
generate an alarm in said removed device if said network connection is
20 disconnected.

23. The system of claim 22, wherein said processor is further configured to prevent a volume of an audio output of said device from being reduced below a predefined minimum level.

25 24. The system of claim 22, wherein said processor is further configured to prevent said device from being turned off.

25 25. The system of claim 22, wherein said processor is further configured to prevent said alarm by entering a password.

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26. The system of claim 22, wherein said processor is further configured to send a message to a remote device and await a response.

27. The system of claim 22, wherein said processor is further configured to receive a message from a remote device.

28. The system of claim 22, wherein said processor is further configured to receive a signal from a remote device.

29. The system of claim 22, wherein said processor is further configured to poll one or more local network ports on said device.

30. The system of claim 22, wherein said processor is further configured to generate said alarm only if said network connection is disconnected by an unauthorized user.

31. An article of manufacture for detecting removal of a device connected to a network by a network connection, comprising:

a computer readable medium having computer readable code means embodied thereon, said computer readable program code which when executed implements the steps of:

a step to monitor said network connection; and

a step to generate an alarm in said removed device if said network connection is disconnected.

32. A system for detecting removal of a device connected to a network by a network connection, comprising:

means for monitoring said network connection; and

means for generating an alarm in said removed device if said network connection is disconnected.

EVIDENCE APPENDIX

There is no evidence submitted pursuant to § 1.130, 1.131, or 1.132 or entered by the Examiner and relied upon by appellant.

RELATED PROCEEDINGS APPENDIX

There are no known decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 CFR 41.37.